

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference F17465 PP/k	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/B 03/03687	International filing date (<i>day/month/year</i>) 03.09.2003	Priority date (<i>day/month/year</i>) 13.09.2002
International Patent Classification (IPC) or both national classification and IPC E04H4/16		
Applicant HOAL, JOHN ANDREW VALENTINE, et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04.03.2004	Date of completion of this report 20.09.2004
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Stefanescu, R Telephone No. +49 89 2399-2475



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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 13,14

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 13,14 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 13,14

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

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Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Dependent claims **13** and **14** do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. Moreover the claims attempts to define the subject-matter with references to the description and to the drawings without mentioning any technical features, contrary to the Rule 6.2 PCT.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following document is referred to in this report; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5554277

2. Document **D1**, which is considered to represent the most relevant state of the art, discloses (see **D1**, especially, column 3, line 29 to column 5, line 37 and fig. 2-4) also a leaf trap device which comprises the features of the preamble (line 1 to 16) of the independent claim 1.

The difference from the leaf trap device described in **D1** consists in that:

the strained water from the debris basket (12) continues freely to travel on through the perforations (13) into the outer body chamber (20) drawn by the suction forces of the pump filter system (3). The pool water then flows out of the outlet opening (9) into the hose (4) and on to the pool suction pump and filter system (3) - see **D1**, especially column 4, line 7 to line 61 and fig.2,3.

Consequently, **the subject matter of claim 1 is new** (Art.33(2) PCT).

3. The **problem** to be solved by the present application is to find a way to

ameliorate the suction pressure of the water recirculation system

The **solutions** as proposed by the claim **1** (line 17 to 24) provides the use of a discharge valve which is located in the leaf discharge opening and is opened or closed by a control means which is connected to the pump of the water recirculation system.

The opening and closing of this discharge valve at regular time intervals regulates the flow of the

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water through the discharge opening and allows the debris to be discharged from the tank compartment. Thus the clogging of the water recirculation system because of the debris is avoided and therefore its suction pressure is improved.

Consequently, **the subject matter of claim 1 is inventive** (Art.33(3) PCT).

4. Claims **2-12** are dependent on claim **1** and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Remarks:

- a) To meet the requirements of Rule 6.3(b) PCT, the independent claim **1** should have been properly cast in the **two part form**, with those features which in combination are part of the prior art being placed in the preamble (see document **D1**).
- b) To meet the requirements of Rule 5.1(a)(ii) PCT, document **D1** should have been identified in the description and the relevant background art disclosed therein should have been briefly discussed.
- c) **Reference signs** in parentheses should have been inserted in the claims to increase their intelligibility; this applies to both the preamble and characterising portion (Rule 6.2(b) PCT).
- d) The **description** should have been brought into conformity with the claims (Rule 5.1(a)(iii) PCT).